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INDUSTRIAL ENTERPRISES OF AMERICA, INC.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANNMARIE MALLOZZI, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs.

INDUSTRIAL ENTERPRISES OF AMERICA,
INC., JOHN MAZZUTO, JORGE YEPES,
DENNIS O'NEILL, and JAMES MARGULIES,

Defendants.

1:07-cv-10321 (GBD)

ECF CASE

JURY TRIAL DEMANDED

**MOTION TO SET ASIDE ENTRY OF DEFAULT AS TO
DEFENDANT INDUSTRIAL ENTERPRISES OF AMERICA, INC. AND
MOTION TO EXTEND TIME TO FILE A RESPONSIVE PLEADING**

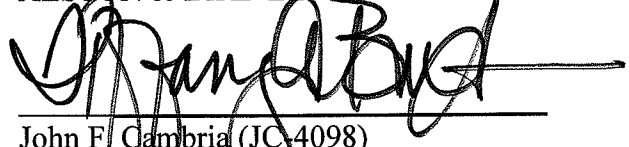
Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, Defendant Industrial Enterprises of America, Inc. ("IEAM") respectfully moves to set aside the Notice of Clerk's

Certificate of Default as to IEAM. IEAM also moves, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, to extend the time to file a motion, answer, and/or other responsive pleading to the original Complaint by June 13, 2008, or 45 days after a consolidated amended class action complaint is filed, whichever is later.

WHEREFORE, IEAM respectfully requests that the Court grant its motions for all of the reasons set forth in IEAM's accompanying memorandum in support and grant any and all further relief as the Court deems just and proper.

Dated: New York, New York
May 12, 2008

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